

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)  
17328CON5

In re Application of: Kei Roger Aoki, Minglei Cui and Stephen Jenkins

Application No.: 10/630,587

Filed: July 29, 2003

For: Neuralgia Pain Treatment by Peripheral Administration of a Neurotoxin

The owner\*, Allergan, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond on December 3, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent, granted on the pending reference application, expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed, terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 33,433



Signature

6/8/05

Date

Stephen Donovan  
Typed or printed name

(714) 246-4026  
Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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Respectfully submitted,

  
Stephen Donovan  
Registration Number 33,433

Date: June 9, 2005

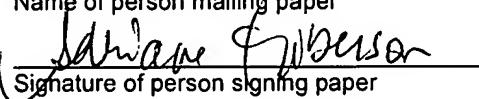
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I hereby certify that this Transmittal Letter, Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date June 9, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number **EL979999603US** addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 9, 2005

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